

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Confirmation No.: 5384

Joseph R. BYRUM *et al.*

Art Unit: 1638

Appl. No.: 09/669,817

Examiner: Ashwin D. Mehta

Filed: September 26, 2000

Atty. Docket: 16517.315

For: Nucleic Acid Molecules and Other Molecules Associated with Plants

**Notice of Appeal from the Examiner to the
Board of Patent Appeals and Interferences**

Mail Stop AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed October 8, 2004, that resulted in Applicants having claims that have been twice or finally rejected.

Authorization to charge the official fee for this filing is given in the accompanying transmittal letter.

01/11/2005 ZJU HAR1 00000063 09669817

01 FC:1401 500.00 DA

Date: January 10, 2005

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January 10, 2005

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Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Art Unit: 1638
Examiner: A.D. Mehta
Conf. No.: 5384

Re: U.S. Patent Application No. 09/669,817 filed September 26, 2000
Inventors: Joseph R. BYRUM *et al.*
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants
Atty. Dkt: 16517.315

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office (PTO) are the following documents:

1. Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences; and
2. Return postcard.

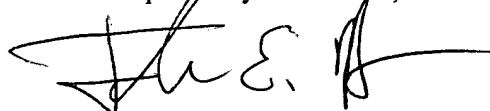
It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

Authorization is hereby given to charge the statutory fee of \$500.00 for filing a Notice of Appeal to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docket number 16517.315. A duplicate copy of this letter is enclosed.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any additional fees are due in conjunction with this filing. However, if any fees are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docket number 16517.315.

01/11/2005 ZJUHA1 00000063 502387 ~~09669817~~
01 FC:1401 500.00 DA

Respectfully submitted,



Thomas E. Holsten (Reg. No. 46,098)

Enclosures